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ORGANIZATION OF THE WORK OF THE SESSION

Written statement submitted by Amnesty International, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[January 1991]

THE HUMAN RIGHTS SITUATION IN GUATEMALA

1. Abuses in Guatemala intensified as November elections approached to replace President Vinicio Cerezo Arévalo, who took office in 1986, the country's first elected civilian president in almost 20 years. Regrettably, his administration had done little to investigate abuses committed under previous military governments or to bring those responsible to justice. After a brief initial decrease, reports of torture, "disappearances" and political killings escalated throughout his administration.

2. Throughout 1990 human rights workers and others pressing for inquiries into past violations were particularly vulnerable to attack by military personnel and their civilian agents. Other victims included villagers who refused to serve in the ostensibly voluntary civil patrols; people resident

in or displaced to areas believed sympathetic to or controlled by the armed opposition; representatives to the National Dialogue consultative process set up under the 1987 Central American Peace Agreement; academics and students; trade unionists; street children; journalists and politicians.

3. Some victims were shot outright by security force personnel acting either in uniform or in plain clothes in the guise of the so-called "death squads". Others were abducted and their bodies found later, often badly tortured or mutilated to obscure identification. Others remain "disappeared".

4. Few official personnel have been charged for abuses even in cases where evidence clearly indicates their involvement, for example, in the rare cases where victims survived abductions. No findings are known regarding the case of Diana Ortiz, a United States nun, kidnapped and tortured in November 1989. Officials eventually retracted claims that she had arranged her own kidnapping and in April 1990 promised an inquiry after pressure from United States religious organizations. In January 1990, Socialist International leader Salvadorian Héctor Oquelí Colindres and Gilda Flores, a Guatemalan lawyer, were abducted and apparently extrajudicially executed. Both the Guatemalan and Salvadorian governments announted inquiries but neither produced any significant findings.

5. In the one known case in recent years where official agents were found guilty on a human rights-related charge, the policemen involved were released by a 1990 appeal court decision which overturned their conviction for the 1987 kidnapping and murder of two Quetzaltenango agronomy students.

6. Abuses were reported in the context of the continuing insurgency and the Government and military periodically charged that the armed opposition tortured and murdered, although details of individual cases are rarely conclusive. In one highly publicized case, that of the killing of some 23 peasants in El Aguacate, Chimaltenango in 1988, evidence to support such allegations contrasted with the findings of respected local and international human rights groups who have alleged military responsibility.

7. In December 1990, soldiers opened fire on a crowd of some 1,500 to 2,000 peasants, killing 15, including 3 children, and wounding 19 others, including children. The peasants had converged on a military base in Sololá to protest an earlier attack on villagers by soldiers from the base. Military spokesmen initially claimed that the villagers had provoked the attack, but survivors testified that the peasants had been unarmed. Officials later announced the arrest of two soldiers. In view of repeated failures to charge and convict military personnel even when evidence appeared to point clearly to their responsibility, Amnesty International believes that the composition, terms of reference and findings of any inquiries into this incident must be monitored internationally.

8. Throughout 1990 abuses continued against members of the Consejo de Comunidades Etnicas-Runujel Junam (CERJ), an organization which protects the rights of Guatemala's indigenous peoples. At least two of its members "disappeared" and some seven others were apparent victims of extrajudicial executions. Several of these victims had been pressing for inquiries into abuses against relatives or for exhumation of family members buried in clandestine cemeteries during earlier army counter-insurgency campaigns.

9. Attacks were also reported on CERJ supporters attempting to escort villagers home after they fled when threatened with death because they opposed enforced service in the nominally voluntary civil patrols. In El Quiché department in March, Assistant Human Rights Procurator César Alvarez Guadamuz was himself injured as he accompanied a group of would-be returnees who were threatened and assaulted by approximately 25 armed men, some believed to be soldiers in plain clothes, other civil patrollers acting under their orders. In October, the Assistant Procurator was again assaulted by a group, including civil patrollers in similar circumstances.

10. Leaders and members of the Grupo de Apoyo Mutuo (GAM), the group of relatives of "disappeared" persons, continued to be targeted. In March, a GAM delegation travelling to El Quiché to support villagers threatened for refusing the join civil patrols was attacked by patrollers, reportedly on army orders. In July, the home of the mother of the group's president was fired on; the bullets were reportedly the same as those used by the security forces. In August, the president's eight-year-old daughter received telephoned death threats against herself and GAM leaders. The sister-in-law of the director of the human rights centre known as CIEPRODH continued to be intimidated; she had protested after four armed men in plain clothes held a gun to her two-year-old child's head in July 1989, saying he would be killed if her brother-in-law did not stop his human rights work.

11. In September 1990, María Tiu Tojín and her month-old daughter "disappeared" after they were taken into custody by the military together with peasants who had fled their community during the army counter-insurgency campaigns of the early 1980s, since when they had lived in areas not controlled by the military. Such displaced persons and those who publicize their often desperate economic and health conditions have been frequent targets of abuse. The same month, internationally-known anthropologist Myrna Mack, who had been researching communities formed by these displaced persons, died after a particularly brutal "death squad"-style attack. In May, Luis Miguel Solís Pajarito, representative to the National Dialogue of the displaced peoples association (CONDEG), "disappeared". He had been followed and had earlier evaded a kidnapping attempt.

12. In June, a group of armed men, whom witnesses identified as military, entered Pacoc, El Quiché, and ordered the two deputy mayors to arrest 15 people denounced by civil patrollers as "subversive". Most were members of CONAVIGUA, a group campaigning for compensation for widows of those killed by the army and for exhumation of their husbands' bodies from clandestine cemeteries. Those whose arrest was ordered included Juana Calachij, who had survived two kidnapping attempts in 1988 after she reported a clandestine cemetery where she said her husband and four other peasants had been buried after being killed by the local civil patrol. When the two deputy mayors refused to co-operate in carrying out the arrests, they were reportedly threatened with abduction.

13. In February, Dr. Carmen Angélica Valenzuela, professor at the University of San Carlos (USAC) and president of the Guatemalan Association of Women Doctors, survived "disappearance" when she was released from military custody following an international outcry on her behalf, and went into exile. She had been abducted, in the presence of witnesses, by armed men and was tortured in custody. In March, four people, three of whom were reportedly USAC law students, were abducted by armed men driving a van with polarized windows, as

customarily used by the security forces. The victims had been collecting for an annual student demonstration, satirizing current political events. The bodies of three, bearing apparent signs of torture, were eventually recovered from a cemetery where they had been buried in anonymous graves.

14. Brothers Carlos Enrique and Tyron Francisco Sagastume, unionists at the Guatemala City Coca-Cola bottling plant, were found dead showing apparent marks of torture in February. Their union has been a long-term target of abuse.

15. One of 14 street children known to have been extrajudicially executed by Guatemala City police since March 1990 was thirteen-year-old Nahamán Carmona López. Attacked on 4 March, he died ten days later of multiple injuries, including a ruptured liver, six fractured ribs, two broken fingers and severe bruising to 70 per cent of his body. In June, after pressure from children's and international organizations, four policemen were arrested, but numerous irregularities have been reported in the proceedings against them. Street children who testified to the attack have been repeatedly assaulted and intimidated, apparently by other policemen. In June, eight street children "disappeared" in two separate incidents. Three of their bodies were subsequently found with their eyes gouged out and ears and tongues cut off, treatment customarily meted out by police to informers. The police have not actively pursued inquiries and claim they were not involved.

16. In December, a street worker with Covenant House, an organization aiding street children and denouncing abuses against them, evaded a kidnapping attempt. He may have been targeted because he had given testimony crucial in bringing charges against a Treasury Police agent for an attack on three street children.

17. During 1990, Amnesty International has repeatedly made public its concerns about continuing human rights violations in Guatemala and the absence of effective investigations. It considers that the United Nations Commission on Human Rights should act decisively to help prevent the continuation of human rights violations by encouraging the new Government to take immediate steps to stop the occurrence of these violations and to investigate past abuses and by carefully monitoring the human rights situation.